

MINUTES
WASHINGTON STATE JAIL INDUSTRIES BOARD
December 3, 2004

King County Regional Justice Center
401 4th Avenue North
Kent, Washington

Members Present: Jim Berrios, Ed Crawford, David Dillman, David Johnson, Jane Johnson (via telephone), Kenneth Kunes, Debra Latimer, Andre Loh, Randy Loomans, Garry Lucas (via telephone), Sean Morrow, Marvin Wolff, Jill Will (staff), Michele Salsman (staff)

Proxies Presented: Joe Koval for Howard Yarbrough

Members Absent: Bill Lehning, Helen McGovern, Runette Mitchell, Carol Washington Mizoguchi, Jim Powers, Chandra Wrzesinski

Guest: Joe Dunegan, Clark County Sheriff's Office (via telephone)

A. Quorum Check

Chair Marvin Wolff confirmed that a quorum was present and called the meeting to order at 11:25 a.m.

B. Approval of the Minutes: September 17, 2004 meeting

The minutes of the September 17, 2004 meeting were approved as written.

C. 2005 Schedule

There was discussion on proposed dates for the four quarterly Jail Industries Board meetings for 2005. Board meetings will be held at the Criminal Justice Training Center in Burien from 10:00 a.m. through 2:00 p.m. as follows:

- January 28, 2005
- May 6, 2005
- September 16, 2005
- December 2, 2005

D. Background Briefing on Jail Industries Definitions

Ms. Will discussed existing definitions contained in Jail Industries Board and Correctional Industries authorizing legislation. (See handouts attached at the end of the minutes.) Ms. Will noted that free venture industries have been declared unconstitutional by the Washington State Supreme Court. She also noted that the original intent of those drafting Jail Industries Board legislation was aimed at free venture and tax reduction industries (factory oriented operations) similar to those

already operated by the state Department of Corrections. The legislation did not touch on traditional labor operations such as kitchen or grounds crews.

E. Are We Asking the Right Questions?

Ms. Will asked Board members if these are the two key questions to ask:

What is the definition of jail industries?

What is the role of the community in jail industries?

Members felt this would become clear in the course of the round robin discussion.

F. Round Robin Discussion on the Definition of Jail Industries

Members engaged in a round robin discussion on definitional issues for jail industries.

Views expressed included the following:

- Most existing jail industries work programs are similar to Class IV or Correctional Industries programs.
- There should be more emphasis on inmate work training, not simply on building a labor force.
- This organization should shift more towards getting the community more engaged with this program. We need to find out how to get the advisory groups within the community to buy into jail industries resources and that they will in fact really give back to the community.
- Inmate work training is more important than simple labor force participation. Operations run like a private industry are more realistic.
- Local Advisory Groups should keep an eye on what inmates are doing; make sure they are not doing work that could be done by private or government workers; no displacement; keep inmates focused on community restitution, i.e., cleaning parks, and institutional support. There should be no displacement of citizens' jobs.
- Inmates should be working so they can pay off their fines or do something that is meaningful. Inmates should work. The community supports this concept. Inmates should not take labor jobs. By working together, we can build relationships so there can be meaningful work for inmates without displacement. It can be done if you think it through enough.
- We tried to develop free venture and tax reduction industries, but now most work is like Class IV or V as defined in Correctional Industries legislation. We not doing enough of it. Work as an alternative to jail, needs to be developed more, and with training. Community likes to see inmates work; how they work is the question.
- It is not clear what the driving force behind jail industries is. Industries needs the power and backing it had at the beginning when the legislation was written. It is very concerning that there are great ideas that no one is willing to endorse. Whatever we come up with as guidelines, is there someone who will endorse it, give a stamp of approval for local communities. We could

throw out great ideas, but if no one willing to say it is the right thing for the state of Washington, we aren't getting anywhere. So many things that could be getting done, aren't getting done.

- A number one interest is to make sure that we get meaningful work for the inmates to do, but without seeing any citizens displaced. When inmates replace tax paying citizen, it is wrong. There is so much more that we can do. The community service piece is important, betterment of society that is not going to take away the jobs of people on the outside. It would be good to see the apprenticeship program come back, and to get the inmates work and training experience.
- If there are other successful states or counties we need to take a closer look at how they are making these programs successful. How could they apply to what we do here, where are ones that work, not in competition with the local work force? There is a lot of work done that doesn't meet the definition of a jail industry. Local Advisory Groups are critical. What possible work could we do that has minimal negative impact? Different areas will have different concerns and local groups' jobs would determine what's right and wrong in their area, and make sure that inmates are not doing jobs that otherwise could be done by people in the community. Building trades are concerned about work that would previously have been bid. Cities and counties are finding ways to make ends meet with local budgets. These are not technically jail industries programs, but they need to be reeled in. Cities and counties need advice on what is appropriate. Inmates need to have work training.
- 97% of offenders get out. How do jail industries fit in with the bigger picture - meaningful work training programs, reduction of operational costs, and reduction of recidivism? How do jail industries integrate with other programs at the local level? How does the jail industries program measure success? Even though there are lots of stats how do we know that the program is successful and why should an offender participate in it? What businesses would hire ex-offenders and what skills can they gain so they can find employment upon release. No offender should take a tax paying citizen's job.
- The Jail Industries Board does not have regulatory authority. Controlling what cities and counties do is not the function and purpose of the board.
- The original intent behind the authorizing legislation has not really changed - offenders need to work, jails need to minimize impacts on the community and develop partnerships. Community Advisory Boards were suggested to make partnerships with the community so we didn't have major conflicts between inmate programs and communities. That goal still remains first and foremost in our minds.
- There is no potential work that an inmate could possibly do that in some reality isn't potentially taking away jobs from the community. However if the intent is to train inmates to be productive tax paying citizens when they leave the facility then it still feels like it is a worthwhile program.

- It is the intent of the Board not to displace workers. What mechanisms can we install within the authority of the legislation to do that?

Following the round robin there was further discussion on the definition of jail industries, the importance of prevailing wage for local government contracting, when advisory groups need to be formed, oversight of inmate work programs that do not fit the definition of jail industries, the role of the Board as a technical assistance provider, what constitutes the appropriate use of inmate labor, the need to recognize that inmate work programs will be under local control, the ongoing tension between organized labor and inmate labor and the need to minimize impacts on community workers, providing information on or approving of non-jail industries work programs, and the need to identify best practices.

G. Identify Main Themes from Discussion

The group reviewed flip chart notes made during the round robin discussion and identified some main themes:

- The importance of training, skill development, and meaningful work for inmates.
- It is good that inmates work. The community believes this.
- Inmates should not take labor jobs. The bottom line is that there should be no displacement.
- We need to be mindful of local control.
- The role of the Board should be providing technical assistance to the cities and counties.

H. Recommendations to Discuss with Stakeholders

Action Item: It was moved, seconded, and approved that Ms. Will send a letter to all jurisdictions to inform them of:

- the legislation that exists presently
- the Supreme Court decision on free venture industries
- an example of best practices
- the Board's intention that there be no displacement of community workers
- the brochure regarding formation of local advisory groups, revised to state that formation of an advisory group is required (rather than encouraged) when a jurisdiction designates a jail industry

I. Adjournment

There being no other business, the meeting was adjourned at 2:54p.m.

Summary of Action Items

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Jail Industries Definitions

"Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

"Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW [72.64.050](#) [DOC work camps] and [72.64.060](#). [authority for government to use labor of camps]

"Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW [9.94A.725](#).

"Free venture employer model industries" means an agreement between a city or county and a private sector business or industry or nonprofit organization to produce goods or services to both public and private sectors utilizing jail inmates whose compensation and supervision are provided by the private sector business or entity.

"Free venture customer model industries" means an agreement between a city or county and a private sector business or industry, or nonprofit organization to provide Washington state manufacturers or businesses with products or services currently produced, provided, or assembled by out-of-state or foreign suppliers utilizing jail inmates whose compensation and supervision are provided by the incarcerating facility or local jurisdiction.

"Tax reduction industries" means those industries as designated by a city or county owning and operating such an industry to provide work training and employment opportunities for jail inmates, in total confinement, which reduce public support costs. The goods and services of these industries may be sold to public agencies, nonprofit organizations, and private contractors when the goods purchased will be ultimately used by a public agency or nonprofit organization. Surplus goods from these operations may be donated to government and nonprofit organizations.

Local advisory groups. The board shall require a city or a county that establishes a jail industries program to develop a local advisory group, or to use an existing advisory group of the appropriate composition, to advise and guide jail industries program operations. Such an advisory group shall include an equal number of representatives from labor and business. Representation from a sheltered workshop, as defined in RCW 82.04.385, and a crime victim advocacy group, if existing in the local area, should also be included.

A local advisory group shall have among its tasks the responsibility of ensuring that a jail industry has minimal negative impact on existing private industries or the labor force in the locale where the industry operates and that a jail industry does not negatively affect employment opportunities for people with developmental disabilities contracted through the operation of sheltered workshops as defined in RCW 82.04.385. In the event a conflict arises between the local business community or labor organizations concerning new jail industries programs, products, services, or wages, the city or county must use the arbitration process established pursuant to RCW 36.110.060.

Department of Corrections Definitions

CLASS I: FREE VENTURE INDUSTRIES

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

CLASS II: TAX REDUCTION INDUSTRIES

(a) Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(ii) Whenever possible, to provide forty hours of work or work training per week.

(iii) Whenever possible, to offset tax and other public support costs.

CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.